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022434

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06/19/2006

BEYER WEAVER & THOMAS LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

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|                       |                    |
|-----------------------|--------------------|
| Leslie Russell        | (Depositor's name) |
| <i>Leslie Russell</i> | (Signature)        |
| 7/27/06               | (Date)             |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/894,864      | 06/27/2001  | John T. Chapman      | CISCP230            | 3690             |

TITLE OF INVENTION: TECHNIQUE FOR SYNCHRONIZING NETWORK DEVICES IN AN ACCESS DATA NETWORK

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO.          | \$0       | \$0             | \$0              | 09/19/2006 |

| EXAMINER       | ART UNIT | CLASS-SUBCLASS |
|----------------|----------|----------------|
| BUTLER, DENNIS | 2115     | 713-500000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Beyer Weaver & Thomas, LLP

2. Dean E. Wolf, Esq.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Cisco Technology, Inc.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

San Jose, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee ☒ Previously Submitted
- ☐ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed. - previously submitted
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by check to pay the required fee(s), or credit any overpayment, to Deposit Account Number 50-0388 (enclose an extra copy of this form).

5. Change in Entry Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature:

Dean E. Wolf

Date

Registration No.

7/27/06  
37,260

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of: Chapman, et al.

Attorney Docket No.: CISC230/3570

Application No.: 09/894,864

Examiner: Butler, Dennis

Filed: June 27, 2001

Group: 2115

Title: TECHNIQUE FOR SYNCHRONIZING  
NETWORK DEVICES IN AN ACCESS  
DATA NETWORK

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as First Class Mail to: Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2006.

Signed: Leslie Russell

Leslie Russell

**LETTER TO ISSUE FEE AND PUBLICATION BRANCH**

Commissioner for Patents  
P.O. Box 1450  
Mail Stop Issue Fee  
Alexandria, VA 22313-1450

Dear Sir:

Applicants are requesting that the issue fee payment and advance order of soft copies paid on April 19, 2006 be applied to the Notice of Allowance and Issue Fee due issued by the Examiner on June 19, 2006 in the above-identified application. A first Notice of Allowance was issued in this case by the Examiner on January 20, 2006. Applicant's representative paid the issue fee on April 19, 2006. Shortly thereafter, Applicants became aware of several pertinent references cited in a corresponding application and filed a Petition Under 37 CFR §1.313(c) to Withdraw Application from Issue. Subsequent to filing such Petition, Applicant proceeded to file a Request for Continued Examination to have the Examiner review and consider the newly cited references in the application. After further prosecution of the application, the Examiner issued yet another Notice of Allowance dated June 19, 2006.

According to the MPEP, the Applicants are entitled to request that the issue fee payment and of September 8, 2003 in the amount of \$1,615.00 be applied to the presently issued Notice of Allowance. Under MPEP Rule 1308.01 it states:

"If the issue fee has already been paid and prosecution is reopened, the applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If

abandoned, applicant may request refund or credit to a deposit account."

The Applicants having filed an RCE would constitute a reopening of the case according to the rule. Also according to the rule, Applicant is now requesting that the first issue fee payment made on April 19, 2006 be applied to the second issued Notice of Allowance. Thus, Applicant should not be required to make a second payment when filing the Notice of Allowance prior to the due date of August 19, 2006.

Thus, Applicants believe that no further fees should be paid in this case to further satisfy the Notice of Allowance. However, if any further fees are due or payment is in fact required in order to keep the application pending, please charge our Deposit Account 50-0388 (Order No. CISC230).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

Dean E. Wolf

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